

REMARKS

Claim 21 is amended. Applicant acknowledges the Examiner's indicated allowability of claims 1-20. Claims 1-27 and 30-32 are pending in the application. Reconsideration of the remaining claims is requested.

Claims 21-24, 30 & 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kösslinger et al. (U.S. Patent No. 6,196,059 B1) in view of Hsueh et al. (U.S. Patent No. 5,365,559 A) and Imahashi et al. (U.S. Patent No. 4,844,611). The Examiner is reminded by direction to MPEP § 2143 that a proper obviousness rejection has the following three requirements: 1) there must be some suggestion or motivation to modify or combine reference teachings; 2) there must be a reasonable expectation of success; and 3) the combined references must teach or suggest all of the claim limitations.

Applicants respectfully assert that cited references do not disclose or suggest each and every element in claim 21, as amended. More specifically, claim 21 has been amended to state that the means for promoting mixing the test specimen occurs within the flow cell. This is to be distinguished from Imahashi et al. which, as the Examiner noted in page 5 of the Office Action, promotes "the mixing of a sample prior to introduction to a flow cell (see figure 7; col. 6, lines 5-31)". (Emphasis added). For at least this reason, Applicants believe that independent claim 21, and all claims that depend thereon (i.e., claims 22-27 and 30-32) are allowable over the cited references. Support for the amendment is found in Paragraphs [0040] and [0041].

Applicants believe that all of the claims pending in this patent application are allowable and that all other issues raised by the Examiner have been rectified. Therefore, Applicants respectfully request the Examiner to reconsider the rejections and to grant an

Serial No.: 10/071,017

early allowance. If any questions or issues remain to be resolved, the Examiner is requested to contact the Applicants' attorney at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alan D. Kirsch", written over a horizontal line.

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